

JONATHAN MONTCALM
(212) 415-9206
montcalm.jonathan@dorsey.com

March 20, 2019

VIA ECF

Honorable Anne Y. Shields
United States Magistrate Judge
Eastern District of New York
100 Federal Plaza
P.O. Box 830
Central Islip, New York 11722

Re: *Canon U.S.A., Inc. v. F & E Trading LLC et al.*
Case No. 2:15-cv-6015-DRH-AYS

Dear Magistrate Judge Shields:

We represent plaintiff Canon U.S.A., Inc. (“Canon USA”) in the above-referenced action and write to request an adjournment of the current fact discovery schedule.

The current schedule, which was set in the Court’s October 16, 2018 Civil Conference Minute Order [ECF 102] (the “October 16 Order”), provides for the close of fact discovery on March 22, 2019. In the October 16 Order, the Court also set interim deadlines for the production by defendants of certain documents by October 31, 2018, and the production of privilege and redaction logs by the defendants on December 18, 2018. Although defendants produced some documents in accordance with the October 16 Order, they did not produce all of them, nor did they produce the privilege or redaction logs.

These issues were not brought to the Court’s attention because, shortly after the October 16 Order was entered, the parties re-started settlement discussions, which have continued since that date. Indeed, the parties reached agreement on the primary terms of a settlement in early December 2018. However, there continued to be differences in finalizing the settlement, and, on this past Monday, March 18, 2019, a communication from defendants’ counsel made it clear to Canon USA that no agreement could be reached by the March 22, 2019 deadline, if at all. The parties then agreed to contact the court to get discovery back on schedule.

Accordingly, Canon USA seeks—with the consent of defendants’ counsel—the below extensions to the deadlines contained in the October 16 Order, which will permit the parties to move the case forward and complete discovery.

	<u>Current Deadline</u>	<u>Proposed New Deadline</u>
Production of Documents by Defendants Per Paragraph 1 of the October 16 Order	October 31, 2018	April 5, 2019
Production of Privilege and Redaction Logs by Defendants	December 18, 2018	April 19, 2019
Fact Discovery	March 22, 2019	June 19, 2019

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Consistent with the October 16 Order, Canon USA also requests that the Court direct the parties to submit a joint letter on June 5, 2019, that advises the Court on the status of discovery and proposes agreed upon dates for expert discovery.

If Your Honor wishes to discuss any of these matters by telephone, we are available at the Court's convenience.

Respectfully submitted,

/s/ Jonathan Montcalm

Jonathan Montcalm

cc: Counsel of Record (via ECF)